

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert T. Burns on 3/30/2011.

The application has been amended as follows:

Claims 18 – 20 are cancelled.

The claims will be amended as follows:

1. (currently amended) The method of claim 17, wherein ~~the device~~ ~~comprise~~ each rod comprises:

a rigid stem (1), comprising one or two non-cutting tips (2); and
a supporting region (3).

2. (currently amended) The method of claim 1, wherein ~~the device~~ each rod is made of a metallic material.

6. (currently amended) The method of claim 1, wherein ~~the device~~ each rod is made of a plastic material.

16. (currently amended) The method according to claim 1, wherein the supporting region (3) is located at one end of ~~the device~~ each rod, such that the stem (4) has one single part.

17. (currently amended) A method for cutaneous tissue detachment, comprising the steps of:

- a) marking an area of tissue for cutaneous tissue detachment;
- b) forming at least two cutaneous tissue incisions of approximately 2.5 cm each;
- c) passing a first rod having a first diameter through the entire marked cutaneous tissue area;
- d) passing at least a second rod having a second rod diameter greater than the first rod diameter through the entire marked cutaneous tissue area;
- e) tapering at least one blood vessel in the marked tissue area with at least one of the first and second rods;
- f) sectioning the at least one tapered blood vessel after progressively stretching the tapered blood vessel with at least one of the first and second rods;
- g) causing formation of one or more blood clots in a tapered portion of the sectioned vessel[[.]], and
[[h]]] incarcerating the one or more formed blood clots in an extremity of the sectioned vessel with at least one of the first and second rods until blood no longer flows past the one or more incarcerated clots,
wherein steps c) through [[h]]g) are performed without cauterization.

21. (currently amended) The method of claim 17, wherein steps c) through [[h]]g) are performed without using scissors or a scalpel.

22. (currently amended) The method of claim 17, wherein steps c) through [[h]]g) are repeated until approximately 90% of the marked tissue area is detached from the underlying fatty tissue.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The claims in the instant application have not been rejected using prior art because no references, or reasonable combination thereof, could be found which disclose, or suggest, a method for cutaneous tissue detachment comprising the steps of *inter alia* tapering at least one blood vessel in the marked tissue area with at least one of the first and second rods; sectioning the at least one tapered blood vessel after progressively stretching the tapered blood vessel with at least one of the first and second rods; causing formation of one or more blood clots in a tapered portion of the sectioned vessel, and incarcerating the one or more formed blood clots in an extremity of the sectioned vessel with at least one of the first and second rods until blood no longer flows past the one or more incarcerated clots

Examiner Comments

The drawings submitted on 2/3/2011 are objected to as failing to comply with 37

CFR 1.84(b) which states:

(1) Black and white-

Photographs, including photocopies of photographs, **are not ordinarily permitted in utility and design patent applications.** The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention. For example, photographs or photomicrographs of: electrophoresis gels, blots (e.g., immunological, western, Southern, and northern), auto-radiographs, cell cultures (stained and unstained), histological tissue cross sections (stained and unstained), animals, plants, *in vivo* imaging, thin layer chromatography plates, crystalline structures, and, in a design patent application, ornamental effects, are acceptable. If the subject matter of the application admits of illustration by a drawing, the examiner may require a drawing in place of the photograph. The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.

In the instant case the black and white photographs denoted figures 5-9c fail to meet the requirements of 37 CFR 1.84(b) because photographs are **not** the only practicable medium for illustrating the claimed invention as is evidenced by figures 1-4. The photographs or photomicrographs must show the invention more clearly than they can be done by India ink drawings, note that if the subject matter of the application admits of illustration by a drawing (e.g. figures 1-4), the examiner may require a drawing in place of the photograph.

In the instant case the photographs, namely figures 5-9c do not show a method of cutaneous tissue detachment more clearly than they can be done by India ink drawings as is clearly evidenced. Furthermore figures 7-9c are not commensurate with the scope of the claimed invention and fail to provide a showing illustrating the claimed invention.

Accordingly figures 5-9c should be deleted from the specification **or** replaced by a drawing in place of the photograph.

Amendment of the specification is required in a nonprovisional application to cancel all references to the deleted drawing(s), both in the brief and detailed descriptions of the drawings and including any reference numerals shown only in the deleted drawings. In addition, an amendment with replacement sheets of drawings in compliance with 37 CFR 1.121(d) is required in a nonprovisional application to renumber the drawing figures consecutively, if necessary, and amendment of the specification is required to correct the references to the drawing figures to correspond with any relabeled drawing figures, both in the brief and detailed descriptions of the drawings.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Eastwood whose telephone number is (571)270-7135. The examiner can normally be reached on Monday thru Friday 9 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571)272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. E./
Examiner, Art Unit 3731
3/31/2011

/Anhtuan T. Nguyen/
Supervisory Patent Examiner, Art Unit 3731
04/07/2011